

### Remarks

The Examiner states that the Applicants' arguments, submitted in a Response to Office Action filed July 23, 2003, do not address the invention as claimed because "nowhere is the use or application of gain fibers claimed". Applicants respectfully point out that each of the claims refers to an "optical amplifier" and the fiber comprised therein. It is therefore at least implicit in the claims that the fiber is used to provide gain (i.e. amplification) of an input optical signal.

Moreover, it is clear from the Detailed Action dated May 12, 2003 that the Examiner himself considers "gain fiber" to be implicit in the claims. Specifically, point 2 of the detailed action contains a rejection of claims 1 to 9 under 35 U.S.C. §103(a) as being unpatentable over Brown (US 6,317,549) in view of Imoto (US 5,742,722) and Hodges et al (US 4,838,643). After discussing the disclosure of Brown, Examiner carries on at page 3 line 4 of the Detailed Action to state "However, Brown fails to specifically disclose the gain fibers".

The Examiner then continues to argue that the claims are obvious because a person of ordinary skill in the art would combine disclosures relating to transmission fiber (for example Brown and Hodges) with disclosures relating to gain fiber (Imoto). Applicants' arguments concerning the differences between transmission fibre and gain fibre are responsive to this obviousness rejection.

Accordingly, Applicants request that the Examiner now consider the detailed arguments set out in the Applicants' last Response to the Office Action filed July 23, 2003, and in lieu of more pertinent prior art, now allow the application.

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Respectfully submitted,



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